

## § 708.1

## 10 CFR Ch. III (1–1–20 Edition)

- 708.35 Review by the Secretary of Energy of an appeal decision.
- 708.36 Remedies.
- 708.37 Reimbursement of costs and expenses.
- 708.38 Implementation of final agency decision.
- 708.39 The Contract Disputes Act.
- 708.40 Notice of program requirements.
- 708.41 Referral to another agency.
- 708.42 Extension of deadlines.
- 708.43 Affirmative duty not to retaliate.

AUTHORITY: 42 U.S.C. 2201(b), 2201(c), 2201(i), and 2201(p); 42 U.S.C. 5814 and 5815; 42 U.S.C. 7251, 7254, 7255, and 7256; and 5 U.S.C. Appendix 3.

SOURCE: 84 FR 37757, Aug. 2, 2019, unless otherwise noted.

### Subpart A—General Provisions

#### § 708.1 Scope and purpose.

This part provides procedures for processing complaints by employees of DOE contractors alleging retaliation by their employers for disclosure of information concerning danger to public or worker health or safety, substantial violations of law, or gross mismanagement; for participation in Congressional proceedings; or for refusal to participate in dangerous activities.

#### § 708.2 Definitions.

(a) For purposes of this part:

*Administrative Judge* means an attorney appointed by the OHA Director to preside over the disposition of a complaint.

*Alternative Dispute Resolution* means any technique for resolving disputes and managing conflict without resorting to litigation in either an administrative or judicial forum. Alternative Dispute Resolution techniques include, but are not limited to, mediation, facilitation, shuttle diplomacy, partnering, and dispute systems design.

*Complainant* means an employee who has filed a complaint under 10 CFR part 708.

*Contractor* means a seller of goods or services who is a party to a management and operating contract or other type of contract with DOE, or subcontract to such a contract, to perform work directly related to activities at DOE-owned or -leased facilities.

*Day* means a calendar day.

*Discovery* means a process used to enable the parties to learn about each other's evidence before a hearing takes place, including oral depositions, written interrogatories, requests for admissions, inspection of property, and requests for production of documents.

*DOE Official* means any officer or employee of DOE whose duties include program management or the investigation or enforcement of any law, rule, or regulation relating to Government contractors or the subject matter of a contract.

*EC Director* means the Director of the Office of Employee Concerns at DOE Headquarters, or any official to whom the Director delegates his functions under this part.

*Employee* means a person employed by a contractor, and any person previously employed by a contractor if that person's complaint alleges that employment was terminated for conduct described in § 708.5 of this subpart.

*Field element* means a DOE operations office or field office that is responsible for the management, coordination, and administration of operations at a DOE facility.

*Head of Field Element* means the manager or head of a DOE operations office or field office, or any official to whom those individuals delegate their functions under this part.

*Management and operating contract* means an agreement under which DOE contracts for the operation, maintenance, or support of a Government-owned or -leased research, development, special production, or testing establishment that is wholly or principally devoted to one or more of the programs of DOE.

*OHA Director* means the Director of the Office of Hearings and Appeals, or any official to whom the Director delegates his functions under this part.

*Party* means an employee, contractor, or other party named in a proceeding under this part.

*Retaliation* means an action (including intimidation, threats, restraint, coercion, or similar action) taken by a contractor against an employee with respect to employment (*e.g.*, discharge, demotion, or other negative action